

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RONALD COKER, JR.,

Plaintiff,

v.

DALLAS COUNTY JAIL, et al.,

Defendants.

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Civil Action No. 3:05-CV-005-M (BH)

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, & RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

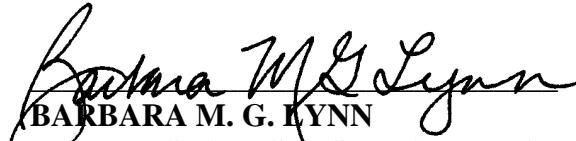
The Court has under consideration the Findings, Conclusions, & Recommendation (“FCR”) of the United States Magistrate Judge on the *Motion for Summary Judgment of Defendants Dallas County, Texas, Charles Prater, Anthony Porter, and Eleazar Chapa*, filed September 2, 2008 and *Defendants UTMB, Bowers, and Moody’s Motion for Summary Judgment*, filed September 22, 2008. Objections were filed (although those of the UTMB Defendants were untimely), and the District Court has made a *de novo* review of those portions of the proposed FCR to which objection was made. The objections are overruled with one exception. The FCR states that the Dallas County Defendants did not file a reply on their Motion for Summary Judgment. They did (docket #237). The reply does not change the Court’s view on the merits of the FCR. The Court accepts the Findings, Conclusions, & Recommendation of the United States Magistrate Judge.

Defendant Dallas County’s Motion for Summary Judgment is **GRANTED** as to the handicapped accessible shower chair and van claims, on the basis of limitations. The Motions are **DENIED** on all other grounds. The following claims against these Defendants remain for trial:

- (1) Dallas County and UTMB, for violations of the Americans with Disabilities Act and the Rehabilitation Act;

- (2) Dallas County, Moody and Bowers in their individual capacities, and Prater, Porter, and Chapa in their individual and official capacities, for violations of the Eighth and Fourteenth Amendments to the United States Constitution under 42 U.S.C. § 1983 for (a) unsanitary conditions, and (b) wheelchair deprivation; and
- (3) Dallas County, and Moody in her individual capacity, for violations of the Eighth and Fourteenth Amendments to the United States Constitution under 42 U.S.C. § 1983, for failure to provide adequate and prompt medical treatment.

SIGNED this 6th day of July, 2009.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS